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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALEXANDRIA DEVORE, an individual,
Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a municipal corporation;
SHERIFF JOSEPH LOMBARDO, an
individual; LIEUTENANT KURT
MCKENZIE, an individual, SONNY
URANICH, an individual, PATRICK
WESLOWSKI, an individual, UNKNOWN
OFFICERS 3-12, individuals,

Defendants.

Case Number:
2:22-cv-01045-CDS-BNW

STIPULATION AND ORDER TO
EXTEND DISCOVERY PLAN AND
SCHEDULING ORDER DEADLINES

(THIRD REQUEST)

Plaintiff Alexandria Devore (“Plaintiff”), by and through her counsel of record, Margaret A. McLetchie, Esq., N. Pieter O’ Leary, Esq. and Leo S. Wolpert, Esq., of McLetchie Law, and Defendant, the Las Vegas Metropolitan Police Department (the “Department” or “LVMPD”), by and through their counsel of record, Craig R. Anderson, Esq. and Jackie V. Nichols, Esq., of Marquis Aurbach, hereby stipulate and agree to extend the Discovery Plan and Scheduling Order deadlines an additional nine (9) months. This Stipulation is being entered in good faith and not for purposes of delay (supplemented information noted in **bold-face** type).

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1 **I. STATUS OF DISCOVERY.**

2 **A. PLAINTIFF'S DISCOVERY.**

3 1. Plaintiff's Initial Disclosure of Witnesses and Documents Pursuant to FRCP
4 26.1(a)(1) dated October 3, 2022.

5 2. Plaintiff's Interrogatories to Defendant Las Vegas Metropolitan Police
6 Department - Set One dated October 26, 2022.

7 3. Plaintiff's Request for Production to Defendant Las Vegas Metropolitan Police
8 Department - Set One dated October 28, 2022.

9 4. Plaintiff Alexandria Devore's Requests for Production to LVMPD - Set Two
10 dated May 16, 2023.

11 **5. Plaintiff Devore's Responses to LVMPD's First Set of Requests for**
12 **Production of Documents dated July 12, 2023.**

13 **6. Plaintiff Devore's Answers to LVMPD's First Set of Interrogatories dated**
14 **July 12, 2023.**

15 **7. Plaintiff's First Supplemental Disclosure of Witnesses and Documents**
16 **Pursuant to FRCP 26.1(a)(1) dated July 12, 2023.**

17 **B. DEFENDANTS' DISCOVERY.**

18 1. LVMPD Defendants' Initial Disclosure of Witnesses and Documents Pursuant
19 to FRCP 26.1(a)(1) dated October 3, 2022.

20 2. LVMPD's Answers to Plaintiff Alexandria Devore's Interrogatories - Set One
21 dated November 28, 2023.

22 3. LVMPD Defendants' First Supplemental Disclosure of Witnesses and
23 Documents Pursuant to FRCP 26.1(a)(1) dated November 30, 2022.

24 4. LVMPD Defendants' Second Supplemental Disclosure of Witnesses and
25 Documents Pursuant to FRCP 26.1(a)(1), dated December 7, 2022.

26 5. LVMPD's Responses to Plaintiff Alexandria Devore's Request for Production
27 - Set One dated December 7, 2022.

6. LVMPD's First Set of Interrogatories to Plaintiff Alexandria Devore dated April 21, 2023.

7. LVMPD's First Set of Requests for Production of Documents to Plaintiff Alexandria Devore dated April 21, 2023.

8. LVMPD's Responses to Alexandria Devore's Requests for Production of Documents - Set Two dated July 17, 2023.

9. LVMPD Defendants' Third Supplemental Disclosure of Witnesses and Documents Pursuant to FRCP 26.1(a)(1), dated July 17, 2023.

II. DISCOVERY THAT REMAINS TO BE COMPLETED.

The Parties have been engaged in settlement negotiations in an effort to resolve Plaintiff's claims. All deadlines were stayed from November 9, 2023, until January 8, 2024, to allow counsel to negotiate. (*See* ECF No. 60). Further, the Parties are also actively conducting discovery. The Parties are working on depositions of named parties and witnesses. For the reasons explained below, the Parties will need additional time to propound written discovery, respond to written discovery, conduct depositions, and disclose experts.

III. SPECIFIC DESCRIPTION OF WHY EXTENSION IS NECESSARY.

Pursuant to Local Rule 26-3, the Parties submit that good cause exists for the extension requested. This is the first request for an extension of discovery deadlines in this matter. The Parties acknowledge that, pursuant to Local Rule 26-3, a stipulation to extend a deadline set forth in a discovery plan must be submitted to the Court no later than 21 days before the expiration of the subject deadline, and that a request made within 21 days must be supported by a showing of good cause. Further, requests made after the expiration of the subject deadline will not be granted unless the Parties demonstrate that the failure to act was the result of excusable neglect. Here, most of the deadlines the Parties seek to extend are outside of the 21-day window, the deadline for initial expert disclosures, however, has passed. As such, the excusable neglect applies to the deadline for initial expert disclosures.

The Parties have been diligently conducting discovery and continue to conduct discovery. The Parties are working on scheduling the depositions of named parties and

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1 witnesses. The Parties previously entered into a stay of the discovery deadlines pending
2 settlement discussions, but to no avail. *See* ECF Nos. 57 and 60. The Parties contend an
3 extension of discovery deadlines enables them to continue to conduct necessary discovery so
4 that this matter is fairly resolved and give the experts the opportunity to review all discovery
5 produced in this dispute. Finally, the Parties together request this in good faith and to further
6 the resolution of this complicated case on the merits, and not for any purpose of delay.

7 The Parties thus respectfully request an extension of time to extend the discovery in
8 this matter to enable to them to conduct necessary discovery in this matter and so that this
9 matter is fairly resolved on the merits. “Good cause to extend a discovery deadline exists ‘if
10 it cannot reasonably be met despite the diligence of the party seeking the extension.’” *Derosa*
11 *v. Blood Sys., Inc.*, No. 2:13-cv-0137-JCM-NJK, 2013 U.S. Dist. LEXIS 108235, 2013 WL
12 3975764, at 1 (D. Nev. Aug. 1, 2013) (*quoting Johnson v. Mammoth Recreations, Inc.*, 975
13 F.2d 604, 609 (9th Cir. 1992)); *see also* Fed. R. Civ. P. 1 (providing that the Rules of Civil
14 Procedure “should be construed, administered, and employed by the court and the parties to
15 secure the just, speedy, and inexpensive determination of every action and proceeding”). As
16 the procedural history of this case illustrates, the Parties have been diligent in litigating this
17 matter. The Parties are continuing to engage in written discovery and have begun coordinating
18 the taking of depositions.

19 Additionally, counsel for the Parties in this matter are litigating several other unrelated
20 matters against each other which are well-advanced and have competing demands, and while
21 competing demands of litigation are merely one of many reasons for the instant request, it
22 should be noted that the other litigation between the same counsel involving similar issues can
23 only benefit from expanded discovery so that in other litigation, similar requests can be
24 expedited because they may have been done at least in part in this case; in this case, it would
25 be a matter of a universal benefit to the ends of justice and future efficiencies.

26 Finally, counsel for Defendants has been ill through December and January, which
27 necessitated several medical appointments and required her to be out of the office.
28 Additionally, counsel for Defendants is anticipated to have surgery on her knee in the near

future. Counsel for Plaintiff has also been ill during December and January, including a respiratory illness, and is currently recovering from COVID. These circumstances further compound the need for an extension of the discovery deadlines.

Thus, the standards to extend all deadlines, including the expert deadlines, are satisfied here.

IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DEADLINES

	Current Deadline	Proposed New Deadline
Amend Pleadings and Add Parties	February 7, 2023	Past Due/Unchanged
Initial Expert Disclosures	September 7, 2023	August 9, 2024
Rebuttal Expert Disclosures	October 7, 2023	September 9, 2024
Discovery Cut-Off	December 5, 2023	October 8, 2024 [
Dispositive Motions	January 3, 2024	November 7, 2024
Pretrial Order	February 2, 2024	December 6, 2024 (If dispositive motions are filed, the deadline shall be suspended until thirty (30) days after the decision of the dispositive motions or further order of the Court.)

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1 Based on the foregoing stipulation and proposed deadlines plan, the Parties request
2 that the Discovery Plan and Scheduling Order deadlines be extended additional nine (9)
3 months so that the parties may conduct additional discovery and conduct depositions.

4 Dated this 2nd day of February, 2024.

Dated this 2nd day of February, 2024.

5 MCLEATCHIE LAW

MARQUIS AURBACH

6
7 By: /s/ N. Pieter O' Leary
8 Margaret A. McLetchie, Esq.
9 Nevada Bar No. 10931
10 N. Pieter O' Leary, Esq.
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15 Las Vegas, Nevada 89101
16 Attorneys for Plaintiff Alexandria
17 Devore

By: /s/ Jackie V. Nichols
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Las Vegas, Nevada 89145
Attorneys for Defendant Las Vegas
Metropolitan Police Department

14 **ORDER**

15 The above Stipulation is hereby GRANTED.

16 IT IS SO ORDERED.

17 
18 UNITED STATES MAGISTRATE JUDGE

19 DATED: 2/5/2024
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **STIPULATION AND ORDER TO EXTEND DISCOVERY PLAN AND SCHEDULING ORDER DEADLINES (THIRD REQUEST)** with the Clerk of the Court for the United States District Court by using the court's CM/ECF system on the 2nd day of February, 2024.

☒ I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

☐ I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

N/A

/s/ Rosie Wesp
An employee of Marquis Aurbach

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